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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

BZ

18 UNITED STATES OF AMERICA,) Civil No.:
19 Plaintiff,) AT LAW AND IN ADMIRALTY
20 v.) (Proposed)
21 Tackle, apparel, furnishings, spares, tools,) ORDER FOR ISSUANCE OF A
22 equipment and certain other appurtenances of) WARRANT OF ARREST
the SS INDEPENDENCE (O.N. 261147),
in rem,
24 Defendant.

25 Upon reading the verified complaint and supporting exhibits filed therewith, and the
26 United States' Application for Issuance of Warrant of Maritime Arrest and supporting
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1 declarations, and the Court finding that the conditions for an action, in rem, under
2 Supplemental Admiralty Rule C of the Federal Rules of Civil Procedure and Local Admiralty
3 Rule 3-1(a) and (d) appear to exist, it is

4 ORDERED that the Clerk shall issue a warrant of maritime arrest as prayed for in the
5 complaint; and it is further

6 ORDERED that a copy of this order be attached to and served with the said warrant
7 of maritime arrest and also served upon the shipowner debtor's counsel of record in its
8 bankruptcy action; and it is further

9 ORDERED that any person claiming a right of possession or any ownership interest
10 in the tackle, apparel, furnishings, spares, tools, equipment and certain other appurtenances
11 of the SS INDEPENDENCE (O.N. 261147), in rem, (hereinafter the "vessel's appurtenances,
12 etc."), arrested pursuant to this order, with the exception of the shipowner debtor which filed
13 for bankruptcy protection, shall, in accordance with Supplemental Admiralty Rule C(6) of
14 the Federal Rules of Civil Procedure, file a verified statement of right or interest with the
15 Clerk of the Court and an answer, and shall, upon application to the Court, be entitled to a
16 prompt hearing at which the plaintiff shall be required to show why the arrest should not be
17 vacated or other relief granted; and it is further

18 ORDERED, that pursuant to 46 U.S.C. Sec. 31325, notice be given to any person
19 who had duly recorded a notice of claim of an undischarged lien upon the SS
20 INDEPENDENCE and its appurtenances by delivering to such person or mailing by certified
21 mail return receipt requested to the last known address of such person, a copy of the
22 complaint and the warrant of arrest issued by the Court herein; and it is further

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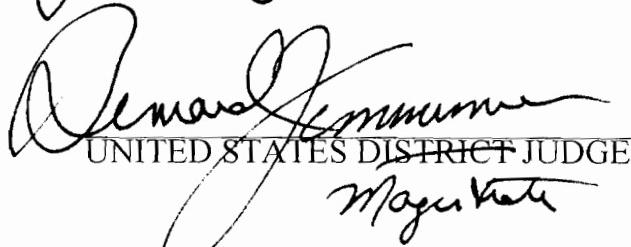
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1 ORDERED that maritime lienors or other persons making a claim against the Vessel's
2 appurtenances, etc., in accordance with Supplemental Admiralty Rule C of the Federal Rules
3 of Civil Procedure, must file applications for intervention within thirty (30) days after
4 publication of the Notice of Arrest and Filing of Action; and it is further

5 ORDERED that a copy of this order be attached to and served with the said Warrant.

6 IT IS SO ORDERED this 7 day of January, 2008.


Dennis J. McCormick
UNITED STATES DISTRICT JUDGE
Mayer Katz

7 PRESENTED BY:
8 DATED: 12/5/07

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